

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DUSTY GENE MAYHEW,

Defendant.

8:14CR113

ORDER

Defendant Dusty Gene Mayhew (Mayhew) appeared before the court on July 13, 2015, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 4). Mayhew was represented by Assistant Federal Public Defender Karen M. Shanahan and the United States was represented by Assistant U.S. Attorney William W. Mickle, II. Through his counsel, Mayhew waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Mayhew should be held to answer for a final dispositional hearing before Senior Judge Joseph F. Bataillon.

The government moved for detention. Through counsel, Mayhew declined to request a hearing or present any evidence on the issue of detention but requested release on electronic monitoring as well as other conditions of release. Since it is Mayhew's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Mayhew has failed to carry his burden in light of the materials found during his arrest in Gage County and Mayhew should be detained pending a dispositional hearing before Senior Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Joseph F. Battalion in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 11:30 a.m. on September 25, 2015**. Defendant must be present in person.

2. Defendant Dusty Gene Mayhew is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 13th day of July, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge